

**STAFFORD COUNTY**  
**AGRICULTURAL COMMISSION/PURCHASE OF DEVELOPMENT**  
**RIGHTS COMMITTEE MINUTES**  
**January 26, 2010**

The meeting of the Stafford County Agricultural Commission/Purchase of Development Rights Committee for Tuesday, January 26, 2010, was called to order at 7:04 p.m. by Chairman Tom Coen in the County Administration Conference Room of the County Administration Building.

Members Present: Coen, Clark, McClevey and Hunt

Members Absent: O'Hara and Silver

Staff Present: Neuhard, Baker, Smith, and Knighting

1. Organization of Committee

Mr. Coen: I guess the first order of business is the organization of the committee and I guess, technically I should turn that over to you.

- Election of Officers

Mr. Neuhard: Well there are a number of things Mr. Chairman that we need to do tonight. As you know the Board has combined the Agricultural Committee with the PDR Committee this year so we need to take a look at the by-laws. You don't necessarily have to complete them tonight, but I think we do need to focus on which direction you want to go in combining the two by-laws. As such, once you decide on your by-laws we need to elect officers and then we need to talk a little about the 2010 work plan. With the two groups coming together, I know the Agricultural Commission was meeting on a quarterly basis and the PDR Committee was meeting on a monthly basis. I am sure both groups have some unfinished business. I know the PDR Committee does, and also I think we need to look at how we organize around those meetings, because as many of you know the PDR Committee has a very large staff attached to it and so most of those folks do not need to be here during the normal business of what was formerly the Agricultural Commission business. So if we could structure the meetings in such a way that we could use the best time of staff weather you alter meetings, weather you put PDR information on the front end of the meeting and Ag on the back end, just whatever ideas we can come up with to help us make sure we are scheduling our resources best would certainly be appreciated. I would suggest, I think that just for decorum purposes, perhaps while we don't have an operating charter so to speak, we don't have any by-laws because you are combined. It might be worthwhile, in any case I assume that you are going to have a Chairman and Vice Chairman. Perhaps we should go ahead and do that so that you can take over the meeting and we can support you and walk you through the by-laws issues and then we can make some decisions on how you want to approach that. That would be my suggestion. Are there any objections, views or concerns from the Committee about going ahead and getting those two officers in place so that y'all can take the meeting. With that in mind, I will call for nominations for the Committee Chair for 2010 for the new Agricultural Commission/PDR Committee.

Mrs. Clark: I nominate Tom Coen.

Mr. Neuhard: One nomination for Tom Coen. Are there any other nominations from the floor for Chairman? Are there any other nominations from the floor? Going for the third time, are there any

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other nominations for Chairman. Okay, hearing none the Chairman by acclamation will be Mr. Coen. And now Mr. Coen I will turn it over to you and if you will go ahead with the Vice Chairman's position.

Mr. Coen: Okay, are there any nominations for Vice Chair?

Mrs. Clark: I nominate Marty McClevey.

Mr. Coen: Okay.

Mr. McClevey: I make the suggestion that the Vice Chair be, I know you have probably been on the Ag Committee, but maybe somebody on the Ag Committee. I don't know the members from the Ag Committee.

Mr. Coen: Let's hold that discussion and quickly everybody give an introduction and say basically what they do. I know everybody and I will not bore you with that. Let's start with Bob and come around.

Mr. Hunt: I am Bob Hunt and I have been here a long time. I was on the Utilities Commission and served on the School Board for a while. I served on the Soil and Water Conservation Board and I am heavily involved in the Education Foundation here in the County.

Mr. McClevey: I am Marty McClevey and I have been on the PDR Committee for some time now and I am excited about the new combination.

Mrs. Clark: I am Gail Clark, I am representing Rock Hill but I do live in Hartwood. I farm after thirty-two years of teaching in Stafford County Schools. I was on the Ag Committee and PDR Committee both.

Mr. Adams: I am Jeff Adams. Gary did not get around to appointing me, but he agreed. Him and Joe were there Election Day and they said whoever won, they would turn around and appoint me. I was on the Ag Committee and starting the first of April the plan is to farm full time in the county and give up the day job.

Mr. Coen: Cool.

Mrs. Clark: Welcome to a life of leisure.

Mr. Coen: Okay, now we will go back and are there any other nominations for Vice Chair? We can take nominations today, or you would not be adverse to waiting until the next meeting for that one when we have our other two members here and our member who is here but not officially a voting member. So I will entertain any motion from you.

Mr. McClevey: I make a motion that we wait until more Committee members are present.

Mr. Coen: Okay, is that unanimous? Okay, so we will defer voting on the Vice Chair until the next meeting. We will have a vote and discussion on that. Alright, so now we will get into the by-laws.

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- By-laws

Mr. Neuhard: I think that would be good. I am going to pass out a document that has been prepared by Alan Smith. For those who don't know Alan, he is our attorney for the PDR Committee and is supporting this particular effort. I am going to turn this over to him to let him walk you through the document that he has put together and then you can make decision as a Committee as to how you want to proceed.

Mr. Smith: Okay, I did my best to pull all of the provisions from both bodies' by-laws and tried to organize them as best I could into an overall, comparison by-law. Just to give you an idea, I labeled the ones that are Stafford County Code Sections. And surprisingly they came directly from the Code. These are provisions that are binding on the PDR Committee and now binding on the combined body. So these are going to be provisions that you are going to need to consider in determining what the new merged Commission and Committee by-laws are going to look like. In certain places I was able to simply combine the two by-laws and that is where I just labeled it consistent between both by-laws. Where there were provisions that were not consistent or I did not feel comfortable combining, those I left segregated under the Ag Commission or PDR Committee for you all to make a policy decision of how you wanted to go about combining those and harmonizing those different provisions. So I don't know if you want me to walk through each, and certainly you can change the structure. This was just trying to as best I could to combine. The different by-laws were pretty similarly structured and this is the best I could do in trying to break them out and make it orderly as you all went through it, but certainly you are not bound by this.

Mr. Coen: Before we get into the weeds of it, Kathy it is my understanding that of the initial duties of the Ag Commission, there is only one left that has not been taken care of and that is just promoting local agriculture.

Mrs. Baker: I believe so. It was working and establishing the PDR program was the primary.

Mr. Coen: Right, would that have any bearing on the merging of the two? Initially, Gail, let me know if I am wrong, but I think there were four initial items in the Charter for the Ag Commission of which we have accomplished three, so I am not certain if to do that one thing that is left it needs to be that much work of combining different by-laws to do it. Do you see what I am getting at?

Mr. Smith: I think so. Because the PDR Committee, it's an Ordinance, you are bound by those duties. If the Ag Commissions duties have largely been, at least in its original Charter, addressed, then I guess that is up to the joint body or the merged body now. Other than their PDR duties, how they would address the responsibilities of the Agricultural Commission context are...

Mrs. Baker: Why don't I go get a copy of that while you guys are...

Mr. Neuhard: What, the Resolution?

Mrs. Baker: Yes.

Mr. Neuhard: You can certainly do that. That would be a good idea.

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Mrs. Baker: Just to read it over.

Mr. Neuhard: I would say remember what the by-laws are. The by-laws are your guiding document for your conduct of business. Typically, we want to be as simple and straight forward as possible with the least amount of complexity that is there to accomplish the work that you want to do. I would say in most cases you can go through here and... a lot of the PDR language with just some minor alterations will take care of conducting the business. I mean the similarities are there, it was just different wording used. I think what you need to probably pay most attention to other than telling us this is fine, is the way it is structured, the language is fine, then we can mold that into something for you for the next meeting to adopt. However, you need to pay close attention to the purpose. I think that if you look at what your Agricultural purpose was, the PDR Committee is pretty straightforward because it was defined in the Ordinance. Your Agricultural Committee purpose has some complexities to it and is that still the purpose and if that is still the purpose then it may be a two paragraph piece that we put in there, refining a little bit of your Agricultural Commission purpose coupled with a transition into what is the purpose of the PDR Committee. That to me seems to be the area in which you look at closely, the other ones I think if you just go through, you can see you are basically doing the same thing. Is it a majority or quorum? Pick one and we will massage it a little bit and come back to you. I believe Alan's intent with the Code at the front end is to make sure that you have... we don't have to reference your code necessarily in its entirety in your document. That is to make sure you know that you are bound to do these things which are defined in the PDR Ordinance and so it needs to be contained in that purpose section somehow. I think we did that in the original PDR Committee purpose.

Mr. Coen: Go ahead Marty.

Mr. McClevey: Well, I see for Ag Commission the members are for four years which was concurrent with the Board members and we are at the pleasure of the Board. Is there an issue if we change in one direction or the other?

Mr. Neuhard: We will either need to change the code in one case, which we know we are going to have to go back and do Ordinance changes, and the other case it was just the way the Committee was formed.

Mr. McClevey: The second question was, does the State of Virginia legislature require each County to have an Ag Commission?

Mr. Neuhard: No, you are not bound. The Agricultural Commission is a construct of the County and there is no requirement to have it. Now, remember the PDR Committee, once we go through these changes, all of our changes go to the State for approval. We have a good enough relationship with the State that we don't believe there will be any issues probably. They are going to be looking at how we conduct business within the Ordinance. We will have to change the Ordinance, we will have to modify, but we already knew we would have to change some of that based on our pilot program. Just something to keep in mind.

Mr. McClevey: Is there any advantage to us retaining the Ag Commission from a standpoint of Virginia Department of Agriculture and Consumer Services money or anything?

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Mr. Neuhard: None that we are aware of.

Mr. McClevey: I mean I am just asking.

Mr. Neuhard: Obviously when the Board chose to combine the two committees...they combined a number of Committees, this was not the only Committee. While they did not say specifically why they did it, if you listen to the rest of their message, it was obvious that they were trying to gain some efficiency and we certainly appreciate that as staff as well as a governmental standpoint. And they were trying, where there were capacities and where there were related duties to pull together, but at the same time they did not eliminate the mission of the two groups in our case. In some cases they dissolved groups that were no longer needed because they had fulfilled their obligations or done their duties. But in our case they felt that neither one had completed what their Charter was, in essence their direction from the Board. We do not want to lose that theme, I don't think in that you still want to be promoting agriculture and doing the things that the Agricultural Commission was set out to do. If you look at your purpose, maybe we need to go back to the Resolution but that purpose is pretty broad and it certainly feeds into the PDR program. So you don't want to lose whatever extra traction the combining gives you or the mission of the Agricultural Commission. We know how the PDR Committee has been, it has been work intensive and the Agricultural Commission after you got a number of these early...you constructed the PDR Ordinance you got that done and I think some of your traction dropped off but that does not mean there aren't still some things that you could pick up traction somewhere with the Agricultural Commission. That is what we all have to try and figure out, how we continue the two groups together and don't let one totally snuff out the mission of the other one and yet we balance our work loads knowing what we have to finish with PDR and at the same time going with your work with the Agricultural Commission. Was there something from the Resolution?

Mrs. Baker: Yes, initially when the Resolution was carried over and someone was appointed, but the Agricultural Commission recommends policies to accomplish the following: number one, identification of areas of the County that are appropriate to continuation of agriculture and the preservation of rural land. Number two, the identification of the level of residential development that should be permitted within agricultural and rural area. Three, review of the Land Use Assessment Program to determine the affects on farmland and the potential use on land speculation. Number four, development of the PDR program. Number five, the development of a program with the Department of Economic Development and other county departments that will facilitate the expansion for market of farm products.

Mr. Neuhard: Sounds like there are some things... some of it was tried or was attempted to be captured in the purpose you had in your by-laws. We may want to refine that language a little bit by going back and looking at your Resolution.

Mr. Coen: Yes.

Mrs. Clark: Are we still bound by that original Resolution?

Mr. Neuhard: They did not dissolve, that is the founding document. What they did was combine you and they did it in a motion. They did not change your purpose, they did not change the PDR purpose, they just combined the two bodies into one.

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Mr. Hunt: I would certainly be comfortable asking Alan to do his best to merge these documents into one concise document that does exactly what you just said. That blends rather than deletes and go from there. I am new to all of this, but if it is anything like Utilities or any of the other Commissions I served on, the work kind of takes a life of its own and we will do what needs to be done. I would agree that a general document would be better than one that is more specific. I think we could spend all night trying to work our way through because you really have to sit down and do some wordsmithing to make sure you don't delete one at the expense of the other. I would be comfortable.

Mr. Coen: Do you feel you have already done that in this or do you want to go farther from that?

Mr. Smith: I think this was to give you all the opportunity to look it over and certainly if you want to take it home and review it and give me back any feedback you have.

Mr. Hunt: Why don't we take a look at what Marty just said about serving at the pleasure of the Board or being appointed for a period of time. I don't care which one you pick, just pick one.

Mr. Coen: I don't either.

Mrs. Clark: Most of them look like they are like that and I think we could do it one of two ways. Let's just say Alan, do it your way and if you are comfortable with merging them I say have at it.

Mr. Smith: I could certainly do that and bring it back to you all and see if it represents what you were thinking and if not I can go back and make additional changes.

Mr. Coen: I sort of prefer that in a way because two of the people we know are not here and one is here but not official. I would feel better if we were to actually do something with this without their input and have them come in and say we did this, so I am in agreement.

Mr. Adams: What is our name really, Ag/PDR, Ag Committee, PDR.

Mr. Neuhard: Right now we are the Agricultural Commission/PDR Committee. That is what is on all of our documents. If there is a suggestion of a better name, we will certainly do the required things to make it an official name if you so want.

Mrs. Clark: I suggest we drop either Commission or Committee. I don't know that we need both of them.

Mr. Coen: Right.

Mrs. Clark: Are there ramifications if we go one way or the other?

Mr. Neuhard: We are going to have to change Ordinances anyway so we will just go back and put it in there.

Mr. Hunt: Why don't we just call it Agricultural/PDR Commission?

Mr. Neuhard: That is fine.

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Mrs. Clark: That should not take too much time should it?

Mr. Smith: No.

Mrs. Clark: I was going to say if our discussion would make it easier for you to go back and do it, I think we should spend a little time. If you feel like this is something that you can do relatively effortlessly...I just don't want to dump it on you.

Mr. Smith: The only one I think you all do need to discuss, and Kathy has some more information, is the meetings.

Mrs. Clark: Right.

Mr. Coen: Do you want to do that now or down at number 5? Which do you prefer Kathy?

Mrs. Baker: All I am reporting on is that Mr. O'Hara, the new appointee, can not make Tuesday nights for the next twenty some weeks because he is trying to finish his degree.

Mr. Neuhard: I think you have two questions. One, the night of the week and are we on a monthly basis based on the work loads.

Mr. Coen: It is up to you, do you want to discuss it now or later? I will defer to you.

Mrs. Baker: Can we talk about it now?

Mr. Coen: Sure. We went to quarterly on the Ag Commission because, quite honestly, there was very little left to do.

Mrs. Clark: There was no money to do anything about a farmers market and that was pretty much our last piece.

Mr. Coen: That was the last item to try to promote local...we had gone about as far as we could go, not to quote song lyrics, but we were sort of at that point where when you read it off, a lot of things that had already been done by either Scott Mayausky's office or other places, that there was not anything else for us to do and that is why we went to quarterly. As it stands right now, I don't envision the Ag aspect of this Committee will have that much to do, but we definitely do need to finish working on the items about the pilot program that we learned from that. We have already been tasked by the Board of Supervisors to come up with us to go back to them this spring with a bond referendum suggestion. So to me it would make sense for the short term, every month would be logical, I don't know where you all fit.

Mrs. Clark: I agree with that based on those exact...

Mr. Hunt: What we did on the Utilities Commission, we had the meeting monthly unless there was no substantive business to be done. We met about eight times a year instead of twelve times a year. We would not meet in December and June and July, people were not real interested then.

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Mr. Coen: Marty, do you have any feel? Jeff?

Mr. Adams: I think right now with everything going on, monthly.

Mr. Coen: Okay, but I like the codicil and Alan can think about that when he is rewriting the by-laws.

Mr. Hunt: I think the way the Utilities Commission was, I think the Chairman could determine if there was any substantive business.

Mr. Coen: Alright, so we are all in agreement for monthly at least for the time being and the Chair can cancel at their digression. So the second question would be...

Mr. Adams: The harder question.

Mr. Coen: The harder question. Ag was always the fourth Monday of the month and PDR was always the fourth Tuesday of the month.

Mrs. Clark: Which made a busy week.

Mr. Coen: Which made a busy week for staff. So in a way we are doing staff a favor by merging. Tuesdays are bad, is the fourth Monday?

Mr. Hunt: Monday is good for me.

Mrs. Clark: Mondays are fine for me because we...

Mr. Coen: We always met, yes.

Mr. McClevey: Lets see, what night is NCIS on?

Mr. Adams: Tonight at eight and nine.

Mr. McClevey: My days off are Monday, so Monday works.

Mr. Adams: Yes, the fourth Monday works fine. 4-H is the first Monday.

Mr. Coen: So the fourth Monday of the month and we will accommodate Mr. O'Hara.

Mrs. Clark: So our next meeting would be February 22<sup>nd</sup>. Is that right?

Mr. Coen: Yes, Washington's birthday.

Mrs. Clark: And March will be the 22<sup>nd</sup>.

Mrs. Baker: Washington's Birthday is a holiday.



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Mr. Adams: It is observed the 15<sup>th</sup>. Remember we used to get Lincoln and Washington and then they combined it into one. That was the way it used to be years ago, but you are not old enough to remember that.

Mr. Coen: Unfortunately I am, but I do appreciate the thought.

Mr. Adams: Alan is not.

Mr. Coen: Okay, we have done by-laws, election of officers. Do you want to talk about the 2010 plan?

- 2010 Work Plan

Mr. Neuhard: Yes, for a few minutes. Obviously there are two compelling PDR issues that we need to resolve and finish, or three. Depending on how you look at it. One is the changes to the evaluation criteria that we were in the middle of as we came out of the last year. The second item is changing the Ordinance to reflect those changes and any other minor alterations we may need to make as a result of combining the Committees, etcetera, etcetera. And then the third item is in the spring, the early spring, probably right after the budget so we are talking May, we need to go back to the Board with our proposal that has been delayed now for two cycles on the sustainable funding source for PDR. So those are the three items that we see most pressing. Kathy, did I miss something there?

Mrs. Baker: No, just some more minor things like preparing an annual report, which staff would do and present back to you. Setting up monitoring schedules and again that is mostly staff work, but they are things that we would most likely report to you. Those were the three major issues.

Mr. Neuhard: On the agricultural side, obviously I am not as familiar with that. Just from conversations with Kathy about it and your discussions, I don't know what you want to achieve there. If you want to continue to pursue a farmer's market, whether there are other things that are of importance. You have a new body here, you have a couple of new members on here. We are certainly willing to bring in Economic Development and other folks out of our resources to talk with you and look at options again. That is something that y'all will have to provide guidance on and Kathy with her experience can maybe add some insight to that. The thing again that I am most concerned about is balancing whatever that subject material is in the right places on the agenda, so we don't bring in seven staff members on a PDR subject and we go through that for half of the night. I really do appreciate the way the PDR Committee has set time limits on meetings and things like that where we would work for two hours on a subject and then we would cut it off and pick it up at the next meeting, because we could go on forever on some of these things. That seemed to be pretty effective and we made some very good progress and are very close, I think, on the criteria for evaluation. So with that, that is my only thought on agriculture and meeting that half of the work plan.

Mr. Coen: Okay, any comments.

Mr. Adams: I have a question while I think about it. As most of you know, I applied for PDR last time and there is a good chance that I will apply again. So how do I know when I am in conflict and when I am not?

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Mr. Neuhard: Well right now, the good or bad news for you is we have no money. So there is not another offering in the near future. And I would say that as long as, and we will let the attorney weigh in on this in a minute, but as long as we are working on policy issues and we don't have an active solicitation out there that you would be okay. But, when we are getting near another offering, then you have a decision to make because then decision start happening. When those decision start happening, you would be in conflict with your intent and the Committee's objectivity and could run into some real problems.

Mr. Smith: I think that pretty much covers it. At this point, your general interest in applying should there be any money in the future, I don't think that creates any conflict that you would have to leave the Committee.

Mr. Adams: Okay. I just wanted to get it out just to make sure when... in other words, when we start discussing, when you are trying to set that up in your favor. You know.

Mr. Neuhard: I think there are plenty of counters to that in the processes we have and it has worked very well. Not one of you can influence or change, or haven't been in the past. I suppose you could go around and strong arm all of your Committee members and staff, but that would become obvious if you started doing those kinds of activities. Remember the process, the Committee advises the PDR Administrator and the Board and the PDR Administrator has to take stuff to the Board and there are three or four different bodies involved in any final approval with this. It is all up to par with the State, remember all of our stuff goes to the State for approval to participate in the grant programs etcetera and the attorneys are always watching over our shoulders.

Mr. Adams: If there is funding way in the future and I applied, at some point somebody would say well you have got to step down. I mean somebody would tell me so...

Mr. Neuhard: Once you have a serious intent to apply and we have an offer that you know is getting ready to come up, then you need to get out.

Mr. Adams: Okay.

Mr. Coen: We had members last time, and as soon as they were thinking of it they recused themselves on those issues and that was even before they actually applied. They wanted this program to be successful and they wanted to make it cleaner than Cesar's wife. Once they made the decision they resigned. That is the beauty of the people that were appointed and that is they actually have ethics and that is nice. Kathy, you were going to say something?

Mrs. Baker: I just want to go back, just one other point on the work plan. Something that we do need to address is public outreach and education continuation because that is in our Ordinance as well as when we go back for State funding in the future, that is one of their requirements that we show that we are connecting with the public.

Mr. Coen: Thank you. Any other discussion on the 2010?

Mr. McClevey: I just wanted to add to that, one of the things that we have not done as a PDR Committee, from my perspective, is celebrate the event for establishing those properties. I think it

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goes along with what Kathy is saying, for us to publicize the program. A good way for us to do that is perhaps a press event or something. I don't know, cut a ribbon or unveil a sign or something. I would be glad to help work up something like that.

Mrs. Clark: There was a newspaper article when it was first announced, but I don't think there has been anything since the actual deed was signed.

Mr. Coen: That is a good point.

Mr. McClevey: That may be good, especially with a bond referendum.

Mrs. Baker: I thought also the Committee members might want to go visit the property and we could turn that into a celebration.

Mr. Neuhard: Absolutely.

Mrs. Baker: Maybe we can work together.

Mr. Neuhard: Maybe like we did Crow's Nest. Go out and do a tour and take the press with us, have a few little refreshments and off we go. When the weather gets just a hair warmer.

Mr. Adams: Either that or a lot colder. Right now the mud...it has either got to freeze or dry up.

Mr. Coen: So Kathy, if you will help work on that and then Marty and I can kick in some ideas. Anybody else have anything? Okay the next item is approval of minutes.

**2. Approval of Minutes – October 27, 2009 PDR minutes**

Mr. Coen: Did everybody get a chance to look them over?

Mr. Hunt: I think the perfect thing for me to do is abstain, since I was not here.

Mrs. Clark: They looked very thorough.

Mr. Coen: Do we have a motion to accept the October minutes as submitted?

Mr. McClevey: I make the motion.

Mr. Coen: Do we have a second?

Mrs. Clark: I will second.

Mr. Coen: Everyone in favor say aye.

Mr. McClevey: Aye.

Mrs. Clark: Aye.

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Mr. Coen: Aye. Opposed? Okay. One of the questions that had arisen is that in the past was the purview by individuals to have word for word minutes as opposed to a summary. We sort of altered, and correct me if I am wrong, but we started out with summaries and that shifted into having it verbatim. So I will just put it out there again, at the start of a new Board, if there is any preference to go back to a summary as opposed to the verbatim.

Mr. Hunt: Some of the Boards and Commissions are doing what they call action minutes which are summary, not verbatim. I think in fact if you make tapes of the meeting, you are under obligation to keep them for a long time and store them. That was the decision on the State Soil and Water Conservation Board. Action minutes make life a lot easier on everybody.

Mrs. Clark: Not only are they easier to not only pull together, but I think they are also easier to get information from if you just target that action. I think verbatim is very hard to glean meaningful information.

Mr. Adams: Well if you got it recorded and there is a dispute at the next meeting when you go to pass it, you could always go back and review just that section.

Mr. Coen: Do you keep the tapes for a certain time period?

Ms. Knighting: We are required by the Library of Virginia to keep the tapes until the minutes are approved.

Mr. Coen: Okay.

Mr. Neuhard: The other thing, Mr. Chairman I might note and perhaps we will have to review this. All committees supported by Planning and Zoning went to verbatim minutes this past year for the specific purpose of relieving some of the burden on staff to make decision about what was said and what the meaning of what was said of which has helped cut down the time it takes for us to produce minutes. This is particularly the case in the Planning Commission and others that quite involved discussion around issues and so that has allowed us, as you know the staff has continues to be reduced in Planning and Zoning. In fact we are using other, at least in one case, personnel from other departments to help cover minutes in certain Commission and Committees. And we have found that it is in fact easier and more accurate for us to record and produce verbatim than trying to figure out and summarize entire deliberations.

Mrs. Clark: Then that maybe changes the way I feel. I really thought it was going to be easier for you all to produce the summary.

Mr. Hunt: I don't plan on saying anything I would be embarrassed about.

Mr. Neuhard: I think we agree with you, I too personally like short action minutes. Unfortunately in many of the Committees and Commissions that turns into some questions later about what was said and what was meant by what was said and then us trying to summarize and we are spending a lot of time interpreting what was said is what happened to us.

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Mr. Coen: Is it okay with the Board, if you all feel comfortable, we won't act on this specifically on this tonight. If you could see if that was actually the decision that was made for something if we are sort of required to and or check with the individuals who actually do our minutes, which way they feel, without putting them on the spot. My other question would be, it sort of goes with what Jeff brought up earlier, if we are doing this discussion about ranking criteria now and we set it up and it gets adopted and two years from now he puts in an application and somebody turns around and says you tried to gleam it, if we don't have it on record somewhere, what the actual saying was in the action minutes, it might even make it more difficult. Does that make sense? I don't know how long, I know you said you have to keep it until the minutes are approved. I don't know if it is possible to download it into a file in the computer somewhere, so if everybody is okay we will defer to them and you can come back to us next time.

Mr. Neuhard: We would be happy to.

Mr. Coen: We don't want to put more work on you guys. It was to make your job easier not harder.

Mrs. Clark: Exactly.

Mr. Coen: Okay, staff update. PDR easement.

3. Staff Update

- PDR easement recordation and reimbursement

Mrs. Baker: I was just going to hand out, we put together a timeline of the program in general. We did record the easement December 15<sup>th</sup> and all in all it went pretty smoothly. We submitted for reimbursement and we actually got the money back from the State. Part of that was waiting on the check to go through and we got confirmation of that. About a two week turn around from the State. We beat their deadline of February 26<sup>th</sup> to have that reimbursement, and they were granting extensions, but I am glad we did not have to do that. So that is just a little timeline, you all can go through it and the property information is down there at the bottom. Does anybody have any questions on that? I sent you copies of the recorded deed, it has all the considerations in it, the buffers were established and all the associated requirements. Staff will begin setting up a timeframe for when we will monitor on an annual basis, what we will be looking for and how we will set up reports to present that.

Mr. Coen: Okay.

Mrs. Clark: Do you think that, well obviously you signed it. Do both parties feel this was a good agreement? I mean do you think Jerry feels like he got enough leeway to farm on that property and you all feel that there were enough restrictions put on that there will be a good use of county money to save a farm.

Mr. Neuhard: I can't speak for Mr. Silver, but I think that we felt like the end product was like we expected it to be. We had negotiation and we were out on the site a number of times. There were issues we had to clear up but I think in the end, our environmental staff, our planning staff, our attorneys, everybody was pleased with it. Now there were some, and I would say Mr. Silver never gave us any indication that he was not... he signed it and he never indicated to us that he was not

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pleased with what he got. There were a couple of times that we did have some items that we did have to discuss and negotiate and he did have an attorney involved through those discussion, but in the end we were able to come to an agreement. In this case I think we met each other half way. In the cases where we had differences of opinion, where we might have been more conservative on something than he wanted it to be, we tried to meet him half way in those cases and I think we did.

Mrs. Clark: I must admit, I downloaded specially the section called restrictions, because I was concerned from a farming point of view that the County would have put more restrictions on it that I felt should of, from my point of view. However, when I read it I was pleased because Jerry is...I mean it looks to me like the property will be able to be farmed in a realistic manner. So I was glad to see that the use of the land could still really be a working farm and that there weren't so many environmental restrictions put on it that it could cease to have value as agricultural land. I was really pleased to see that the restrictions were not as restrictive as I thought they might have ended up being.

Mr. Neuhard: I think future efforts are going to be negotiated again, and I think you will see different results on different pieces of land depending on what the topography is. If you will note some of our resource protection that we did around the streams was a little bit more than what was required, but it didn't interfere with any of his potential farming efforts. There was an opportunity in one or two cases where we could have gotten locked into a difficult discussion in some cases. We were fortunate all the pieces were there. A different piece of property we might not have been able to end up in the same place that we did there.

Mrs. Baker: And I will add that particularly on the part about the forested buffers adjacent to the stream, we actually met on site with Mr. Silver and the Department of Forestry. And they gave us recommendations and suggestions and I think they basically told him what he wanted to do about clear cutting and planting pine would not work anyway because of the soils. They looked at all of those issues and I think having that expertise out there to give him some guidance from the Department of Forestry helped him to understand that he would not be able to do anything anyway.

Mr. Coen: If memory serves me, there was one member that had numerous, I won't say restrictions, but issues they wanted to be brought up and I am gathering from what I read, they were brought up and handled in an appropriate manner.

Mr. Neuhard: Yeah, I think so. I think we tried to meet the intent of the Committee as well as protect the County and that included, you know a lot of that was around the buffer on the forested slopes as I remember it. I think we did better than the minimum state regulations there. I can't recall now, we didn't over restrict it and we didn't go with what the State called for.

Mr. Coen: Sort of what I think when we were having a discussion many of us said and you all said you would do.

Mr. Neuhard: I think down along that, the main stream not the...the slope when you get down into the flat land...into the slopes...just do it verbatim and you will be alright. When you get down to that area, I think we did real well down there.

Mr. Coen: I think so, it looked like we surpassed that individuals concerns and I thought that was excellent. The staff is to be commended for all of that.

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Mrs. Clark: And there was provision for one building site, which I think was a point of contention maybe, but it seems to make so much more sense to me that every parcel should be allowed one building site.

Mr. Coen: And the placement was...

Mrs. Clark: Right, and he did decide on a placement before you...

Mr. Neuhard: He had to, we looked and GPS'd it and everything. I will tell you we will do one thing probably we will have one approach that will be different the next time out of it and that is when we go in on the first negotiation...we went in with an open book this time and it worked out well for us, but I think that next time we will go in firmly with our position so that it is clear. You know that we leave a lot of blanks in the standard deed that we use and when we go in the next time we are going to fill in all those blanks after we have evaluated the property ourselves so there is a basis for that discussion to start with and that will then allow the land owner to kind of see what we are thinking earlier, and then discussion can start then. We may have had an extra meeting or two that we did not have to have. We will take that approach next time rather than just going in and you have seen the deed and we kind of walk through it and here is what we are thinking what are you thinking. I think we will go in and say look, here is what we are thinking, think about it and then we will talk.

Mrs. Clark: I must admit, I would have loved to have a lot more money and been able to save a lot more places, but the idea of a pilot program, I think it really was successful in that we were able to sort of go through the entire process one time and evaluate it.

Mr. Coen: In a timely manner too.

Mr. Neuhard: It took all the staff, in other words it took all the expertise to get there, we all played our role and so I think that speaks well to the approach even though we don't have any full time work going on, on this. I think that by drawing from the various expertises that is available in the county that it worked very well in taking us where we needed to be.

Mr. Coen: Again, thank you to staff for everything that you did on that. Okay the next item is the State PDR funding.

- State PDR funding

Mrs. Baker: I was just going to give you a little recap on that from the report from VDACS for the FY2010 program. They were down to four hundred thousand dollars, and the applications were due in October. They had carry over money of two hundred and thirty six thousand and they did receive nine applications, eight were previous localities and one was a new locality that just established a program. That was Franklin County. So most of the localities...six of the localities have ninety thousand dollars awarded at this time, which isn't a lot but it is enough to at least contribute. Some of them have established funding, some of them don't, but it will add to their pot. They are going to pursue funding hopefully in the next fiscal year but they are not sure how that is going to carry out.

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Mrs. Clark: Am I right in saying we were not able to do that because we did not have any matching funds available.

Mrs. Baker: Correct.

Mr. Neuhard: You might remember that we did, we thought after discussing with the State that we were going to be able to use our unexpended funds as matching funds up front, and it was determined that we could not do that kind of at the last minute and so we had no other matching funds to put forth at that time.

Mrs. Baker: Just a couple of more statistics from that. As of December they had closed on eight easements through the State Matching Fund Program, fourteen hundred acres and they had six in progress including ours for an additional eight hundred and seventy eight acres that they are hoping to have completed by the February 26<sup>th</sup> deadline. So out of the original four million they have reimbursed 1.23 million dollars and they hope that they expend all the money that they initially had because that gives more support to their program from the General Assembly for their program. They were please to see that the localities followed through with it. That is it.

Mr. Coen: Thank you, next is review of the pilot.

- Review of Pilot Program

Mrs. Baker: We are just going to basically let you know that what we sent out in the email is the latest changes that we made based on two meetings that we had in the fall and winter trying to address the comments that you all have had. If you want to be going through this and I guess this is where we are going to start next meeting so we can really jump into it and perhaps go through now that we have attempted to change the comments according to how you all wanted to do that. So we will go through and see if that is what you intended. What you want to change and finish hopefully the ranking criteria so we can move on to the Ordinance itself.

Mr. Coen: To fill you guys in, there are two things that sort of go on. One is actually the ranking criteria which you will be well acquainted to it. We went though that bit by bit and to see, not the points yet but just generally what we were looking at. If the Committee is agreeable with it, I am going to ask Kathy if she will send one to Jeff so he can look at it since it is part of a public...

Mrs. Baker: Sure.

Mr. Coen: We were going though that process, we had not actually sat down and voted officially that we were going to approve all the things that we had talked about and then again we would get into the weeds and the points at another juncture. That is just a broad scope of it and then we are going to go back and look at what other things we may have learned about the process of the program and look at that. That is where we were in learning the process of what we did through the pilot program and moving forward from that. That is what Kathy was sort of referring to as the latest version of that wonderful spreadsheet that we got.

Mrs. Baker: And the comments at the far right were basically member comments that we tried to capture so you knew what we were trying to do and the left hand column, the red was after the first



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meeting and the blue was additions after the second meeting. Feel free to go through that, call me if you have any questions or need explanation before the next meeting.

Mr. Coen: Okay. Is everyone comfortable with that idea? One of the things I saw on the topic when reviewing things from the pilot program, I know we talked about at some point, trying to get some feedback from the various applicants. I don't know because you have been swamped with everything else, especially doing the program, but if eventually we could go back. Like what you were saying about what Jerry thought, the good, bad and ugly, but also all the applicants so we can get their feedback before we really get into the weeds of this.

Mr. Neuhard: Were you thinking about a questionnaire or were you... because we did send a letter that everyone should have received at the end of the process indicating that we had finished the process. If they had any questions or comments to please call us. We did not ask for specific feedback.

Mrs. Clark: Did you get any comments?

Mr. Neuhard: I don't think we got anything back from anyone.

Mrs. Baker: Our only comment was from the person who presented at the Board meeting when we first submitted back in September. And part of that had to do with how much interaction with the applicants during the process. But if you recall at the beginning of the process we were not sure how we were going to divulge the information to the public and so we did not go into contacting the applicant and go into detail because we were not sure how it was going to happen. So that was really the biggest part of the feedback that I got from that person who presented at the Board meeting. To have the applicant involved more up front so they would have a chance to give their justification. Well I did not get any points here, but I did put it on the application however, this is the case.

Mr. Adams: In my case, there were some things that I disagreed with and I talked to Mike and we went over it and it was resolved.

Mr. Neuhard: Mike Lott, yes.

Mr. Adams: Because in your mind you are thinking no I've got more than this and then when you look at it, okay you are right and I am wrong. It was no...it was just...

Mr. Coen: Right. And that was going to be one of my suggestions, process wise. I don't know if necessarily a survey, but maybe some sort of...the other one was it's done thank you so much, do you have any thoughts. This one would be, we would like to get your thoughts on the process, the application and all that. I am always leery of surveys because you always have to spend how many meeting trying to figure out how to phrase every question on the survey. You could just ask for some feedback.

Mr. Adams: One of the things that concerns me about the process, and I know you can't...I know my wife and I were there to see who had applied and then the next meeting and the other people that applied did not show up. I know you cannot speak for that, but I was kind of curious. As the landowner, why would you apply and then not come to the meeting to hear it discussed. I can see not

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coming to this meeting, but once you apply why wouldn't you come to see who your competition was, what was...that is why I made the comment "Boy if I had known this the next time I apply, I am going to already have up the for sale sign". Those were things that I got from the meeting. That was their choice to attend or not to attend.

Mr. Coen: Any other questions on that? Okay, then I guess new business. Does anybody have any new business that they would like to bring forward? Okay, so what I am gathering for the next meeting we are talking about voting for the Vice Chair, having a report back from Alan about the by-laws, merging the two. Starting to get into the weeds of the actual criteria, the spreadsheet. From that aspect and if anybody else has any new business.

Mr. Hunt: Is seven o'clock normally here?

Mr. Coen: Seven o'clock in this room. I was wondering, I saw in the Free Lance-Star they had an article about easements and they did not mention ours. Does that qualify because it is two easements?

Mrs. Baker: I am sorry?

Mr. Coen: There was an article last month maybe, that was saying and there was a little chart that said how many easements are in the counties in the last year or last two years and it did not mention our program at all. What Marty was saying about it...

Mrs. Baker: The only article I saw, they were reporting on the localities that received State funding for this round of applications and Stafford was not listed because we did not apply.

Mr. Adams: I thought that was people voluntarily giving easements. It was an out and out easement.

Mr. Coen: Alright.

Mrs. Baker: The County, not the County but there were property owners within the county who did their own easement through Virginia Outdoor Foundation and others.

Mr. Coen: I was just curious because when I was reading I did not get that they were just individuals that were doing it on their own. To me, I guess Jerry is doing it on his own because he is voluntarily entering into a program, so I did not know how that fit because if they are doing it through VOF they are probably getting some sort of compensation.

Mrs. Baker: A tax credit.

Mr. Coen: That is why I was not to sure theoretically why we did not show up. Okay, if there is no other, Marty.

Mr. McClevey: Kathy listed five things that we were charged with. I scribbled really quick, but I missed some.

Mrs. Baker: I will email that out to everyone or I could show it to you before you leave. Do you want me to read it?

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Mr. McClevey: Just yell out the first one that you have. I am sorry.

Mrs. Baker: The first one was identification of areas of the county that are appropriate for continuation of agriculture and preservation of rural land.

Mr. McClevey: Thank you.

Mrs. Clark: Along that line, I will just sort of, because we have a couple of new members I would like to just put this seed in your head. One of my concerns when we ended up evaluating the criteria was that maybe we were starting to take out places that working farms could earn points. And I just sort of want y'all to think about ways that we could maybe add points back in if the Committee agrees with that. I was looking for something that would be easy for staff to quantifiably say yes. The discussion is for another time, but I just wanted to put that out there.

**5. Next Meeting**

- February 23, 2010 Regular Meeting ?

This item was discussed during item 1 and it was decided the next meeting would be held February 22, 2010. The Commission scheduled future meetings to be the fourth Monday of the month.

**6. Adjournment**

Mr. Coen: Alright, if that is it I will entertain a motion to adjourn. Nobody is making a motion so I will state it again. Anyone, we have another fifty minutes. Do I have a motion to adjourn?

Mr. Adams: I would do it but I can't.

Mr. Coen: Alright, all those in favor of adjourning signify by saying aye.

Mr. McClevey: Aye.

Mrs. Clark: Aye.

Mr. Hunt: Aye.

Mr. Coen: Aye. Okay we will see you next month.

Mr. Neuhard: Thank y'all and happy New Year.

Mr. Coen: Happy New Year.

With no further business to discuss, the meeting was adjourned at 8:07 p.m.